

Appeal/Waiver Request

CC Docket # 02-6

Applicant Name: **Recovery School District**

Entity Number: **16063831**

Funding Year: 2011-2012

CONTACT INFORMATION

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APPLICANT INFORMATION

Appellant Name: Carol Mosley

Applicant Name: Recovery School District

BEN: 16042306

Application #: 821130

**This is a request for a Waiver/Appeal of the USAC Audit
finding to seek recovery of improperly disbursed funds from
the applicant
Recovery School District**

Waiver/Appeal Request Detail:

Funding Year 2012 Form 471 Number: 821130

Funding Request Number: **2235917**

TOTAL Dollar Amount: \$161,761.00

Service Provider Name: AT&T Mobility

Service Provider Identification Number: 143025240

Reason for Recovery of Funds from Applicant in addition to the provider:

The applicant made a certification on the BEAR from stating that the discount amounts listed on the form were already billed by the service provider and paid by the Billed Entity Applicant.

Rationale for Request:

On FRN 2235917, AT&T Mobility improperly claimed SPI reimbursements for mobile voice services which had already been reimbursed via a BEAR on FRN 2235915 for which the Recovery School District was paying the full costs and not receiving discounts on the cellular voice portion of the services being billed. Because AT&T was the recipient of funding for the duplicate disbursements, the FCC should recover the over payment and improper distribution of funds from AT&T.

Process that Lead To The Error

The Recovery School District filed FRNs 2235917 for mobile data services only and FRN 2235915 for mobile cellular and data services. AT&T Mobility billed the services for both FRN 2235917 and FRN 2235915 on the same set of monthly invoices. These same invoices would be used to support both BEAR payments on FRN 2235915 and SPI payments for 2235917. The applicant certified that BEAR payments were received on the associated invoices also being used for SPI payments associated to 2235917, because the Recovery District had already filed for BEAR reimbursements under FRN 2235915 earlier.

Circumstances to Consider

- The Recovery School District filed a BEAR for FRN 2235915 on 06/19/2012 which directly tied to their Item 21 services and for which the RSD paid in full the total amount of the invoices without any discounts.
- AT&T Mobility subsequently filed a SPI in late July/August of 2012 and mistakenly duplicated SPI funding payments requested on FRN 2235915.
- The Recovery School District did not receive monthly discounts on its invoices which were duplicated under FRN 2235917 because these invoices at issue were also tied to FRN 2235915. RSD had paid all of these invoices in full at the time the SPI was filed.
- AT&T Mobility, was the legal party who improperly invoiced and received payments for the duplicate services under FRN 2235917 versus solely filing for the services which were not already funded and reimbursed through the BEAR on BRN 223915. Also, because AT&T was the legal party to receive funding, USAC should recover those E-Rate funds directly from AT&T versus collecting the duplicate payment to AT&T from a 3rd party, the applicant.

This request is made on behalf of the Billed Entity for a Waiver/appeal to be granted. By granting this Waiver/Appeal, USAC could be directed to amend the audit finding for FRN 2235917 to see recovery of the \$161,761.00 of improperly disbursed funds from the service provider only and not both the service provider and applicant.

Your favorable consideration in this matter is greatly appreciated.

Carol Mosley
E-Rate Support for Recovery School District
225-588-5584